

**Amendments to the Drawings:**

The attached drawing includes changes to Figure 2 and 3.

Approval by the Examiner is respectfully requested.

Once approval has been received, Formal replacement drawings will be submitted by Letter to the Official Draftsperson.

Attachment: Annotated Sheet Showing Changes

## REMARKS

The Office Action dated March 11, 2005 has been received and reviewed by the applicant. Claims 1-20 are in the application. Claims 1-4, 8-12, 16 and 17 stand rejected and claims 5-7, 13-15 and 18-20 stand objected to. Reconsideration is respectfully requested.

The drawings are objected to because figures 2 and 3 need the Histograms graph to have axis identified or labeled. Revised drawings are included herewith.

Claims 1, 3, 4, 8-12, 16 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sawachi, JUS Patent 5,512,947. More specifically, the rejection in regard to claim 3 states that “generating a dark level correction value *based on the pixel value count*” is disclosed in Sawachi. For clarity of this limitation, page 5, lines 5-8 clearly discloses this limitation. Here it states that “the control system 18 samples 20 a dark corrected image frame from the dark level corrected image signal and count 22 the number of pixel values in the samples image that are less than a predetermined value X to produce a Count.” It is respectfully suggested that Sawachi, upon close examination, does not disclose this limitation. The rejection bases a “using microprocessor in fig. 2:13” as the basis for the claimed limitation of “based on the pixel value count.” The disclosure of Sawachi simply teaches to use the “code value” as the only threshold and does not teach or suggest monitoring the pixel “count” as in amended claim 1 and original claim 3. In other words, the adjustment is based on the “number of pixels” meeting a threshold. This is entirely different than simply adjusting the correction based on pixels meeting a threshold value and *disregarding* the pixel count as in Sawachi. It is respectfully submitted that the claimed invention has advanced the technology of image correction over the prior art of record.

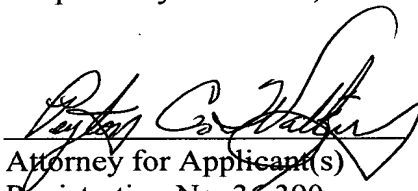
It further pointed out that there is clearly no suggestion in the prior art of correcting images based on the number of pixels meeting a threshold. Clearly, the prior art is completely silent as to this limitation.

Claim 9 is amended substantially similar to claim 1 and is patentable for the reasons set forth for claim 1. Original claim 16 already includes this limitation.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.